

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Eric Scherzer, as Trustee of the Voluntary
Hospitals House Staff Benefits Plan,
Plaintiff,

V.

North General Hospital,
Defendant.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

JUDGE LYNCH

07 CIV 7006

TO: (Name and address of Defendant)

North General Hospital
1879 Madison Avenue
New York, NY 10035

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Elizabeth M. Pilecki
Kennedy, Jennik & Murray, PC
113 University Place, 7th Floor
New York, NY 10003

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

AUG 06 2007

J. MICHAEL McMAHON

CLERK

Marcos Quintero

DATE

(By) DEPUTY CLERK

ERIC SCHERZER, AS TRUSTEE OF THE VOLUNTARY HOSPITALS HOUSE
STAFF BENEFITS PLAN

Plaintiff(s)
Index # 07 CIV 7006 (LYNCH)

- against -

Purchased August 6, 2007

NORTH GENERAL HOSPITAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

MICHAEL HARRIS BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on August 8, 2007 at 11:35 AM at

1735 PARK AVENUE, 2ND FL.
NEW YORK, NY 10035

deponent served the within SUMMONS & COMPLAINT; INDIVIDUAL PRACTICES IN CIVIL CASES GERARD E. LYNCH, UNITED STATES DISTRICT JUDGE; 3RD AMENDED INSTRUCTIONS* on NORTH GENERAL HOSPITAL therein named,

SUITABLE AGE by delivering thereat a true copy of each to RIA KIMBER, LEGAL CLERK a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as being AUTHORIZED to accept for the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	BROWN	BLACK	45	5'0	120

GLASSES

MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

1735 PARK AVENUE, 2ND FL.
NEW YORK, NY 10035

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on August 9, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

* FOR FILING AN ELECTRONIC CASE OR APPEAL


That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: August 9, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


MICHAEL HARRIS
License #: 1077447
Invoice #: 445693